UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

THE MASON COMPANY, LLC, Plaintiff, v. LEE KENNEL MANUFACTURING, L.L.C., Defendant.	)))))))))	 Cause No. 1:17-cv-00991 **JURY TRIAL DEMANDED**

COMPLAINT FOR PRELIMINARY INJUNCTION,
PERMANENT INJUNCTION, AND DAMAGES

For its causes of action against Defendant Lee Kennel Manufacturing, L.L.C. ("Defendant"), Plaintiff the Mason Company LLC ("Plaintiff") states as follows:

Nature of the Action

1. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code, that arises out of the Defendant, Lee Kennel Manufacturing, L.L.C., manufacturing and selling an animal kennel system that includes designs that infringe one of more claims of the Plaintiff the Mason Company's U.S. Patent No. 6,152,080 (the '080 Patent).

Parties, Jurisdiction, and Venue

2. The Mason Company, LLC is a limited liability company, organized and existing under the laws of the State of Ohio, with a principal business address of 260 Depot Street, Leesburg, OH 45135. It is in the business of providing trusted animal housing solutions, offering the widest variety of animal housing options in the industry.

3. Upon information and belief, Defendant Lee Kennel Manufacturing, L.L.C. is a limited liability company organized and existing under the laws of Texas, with a principal

business address of 5804 Misty Hill Cove, Austin, TX 78759. It is in the business of manufacturing dog kennels of a single design.

4. This Court has personal and subject matter jurisdiction over the Defendant pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) as Defendant resides and has a regular and established place of business in this Court's judicial district and has committed acts of infringement in this Court's judicial district.

The Mason Company Intellectual Property and Lee Kennel Manufacturing's Infringement

6. Plaintiff the Mason Company, and its predecessors in interest, have used a variety of legally-protected patents in connection with its trusted animal housing products. For example, the Mason Company, through assignment, is the current owner of the '080 Patent, a panel leveling system for use with animal kennels which separates adjacent animal kennel runs by utilizing a vertical wall secured to a generally T-shaped base. A true and correct copy of the '080 Patent is attached hereto as Exhibit A.

7. Defendant Lee Kennel Manufacturing has known of the '080 Patent since at least March 17, 2017, when it received a letter from counsel for Plaintiff regarding such patent.

8. Defendant Lee Kennel Manufacturing is manufacturing, advertising, and selling a kennel system that includes wall panels that sit on "inverted T-tracks" such that a vertical wall panel is secured to a T-track base. This design infringes one or more claims of the Plaintiff's '080 Patent.

9. Plaintiff has made, and continues to make, substantial investments in its intellectual property, including the '080 Patent, and is suffering, and will continue to suffer, damage as a result of Defendant's infringement of the '080 Patent.

Claims for Relief

COUNT I: INFRINGEMENT OF '080 PATENT

10. Plaintiff incorporates each of the preceding paragraphs as if fully set forth herein.

11. Defendant Lee Kennel Manufacturing's commercial manufacturing, use, and offering for sale and/or selling its T-track kennel system constitutes infringement of one or more claims of the '080 patent under 35 U.S.C. § 271.

12. On information and belief, Defendant Lee Kennel Manufacturing will continue to manufacture, use, sell, and/or offer to sell its T-track kennel system prior of the expiration of the '080 Patent.

13. Defendant has also actively induced infringement of the '080 Patent by its customers of the T-track kennel system. As set forth above, Defendant has had actual knowledge of the '080 Patent since at least March 2017. Moreover Defendant has taken steps to induce the direct infringement committed by its customers by encouraging, promoting, facilitating, enabling and instructing its customers to use the T-track kennel system in a manner that infringes one or more claims of the '080 Patent.

14. Defendant has also contributed to the infringement of the '080 Patent by its customers of the T-track kennel system. As set forth above, Defendant has had actual knowledge of the '080 Patent since at least March 2017. Defendant offers for sale and sells apparatus for use in the patented methods claimed in the '080 patent, including, without limitation, claim 19. Defendant knows that its T-track kennel system is especially made or adapted for use in the patented methods and that its T-track system is not a staple article of commerce capable of non-infringing use.

15. Defendant's infringement of the '080 Patent has been knowing, willful, and egregious, beginning at least as early as March 2017, the latest date by which Defendant knew of the '080 Patent and knew that its conduct constituted and resulted in infringement of the patent, without any basis for disputing infringement, validity, or enforceability of the patent.

16. Defendant's conduct has caused, and is likely to continue causing, substantial injury to Plaintiff, and Plaintiff is entitled to preliminary and permanent injunctive relief and to recover Defendant's profits, actual damages, treble damages, costs of this litigation, and reasonable attorneys' fees associated with this litigation.

17. As a result of Defendant violating Plaintiff's patent rights in the '080 Patent, Plaintiff has suffered and will continue to suffer irreparable harm to its business and reputation in the marketplace.

18. Unless Defendant is enjoined from directly infringing and actively inducing the infringement of the '080 Patent, Plaintiff will suffer irreparable injury. Plaintiff has no adequate remedy at law.

19. Plaintiff is entitled to a preliminary and permanent injunction prohibiting Defendant from manufacturing, using, selling, and/or offering to sell its T-track kennel system or any other kennel system which includes design elements that infringe the '080 Patent, as well as other fair and equitable relief.

Prayer for Relief

Wherefore, Plaintiff the Mason Company respectfully requests that this Court enter judgment against Defendant Lee Kennel Manufacturing as follows:

A. Finding that Defendant infringed the '080 Patent with its T-track kennel system;

B. Finding that Defendant willfully infringed the '080 Patent and that Plaintiff is entitled to enhanced damages as a result of such willful infringement;

C. Finding that this case is exceptional under 35 U.S.C. §285, at a minimum due to Defendant's willful infringement; and

D. Ordering that:

   i. Defendant and its owners, partners, officers, directors, agents, servants, employees, representatives, licensees, subsidiaries, manufacturers and distributors, jointly and severally, are enjoined during the pendency of this action, and permanently thereafter, from manufacturing, using, selling, and/or offering to sell its T-track kennel system or any other kennel system which includes design elements that infringe the '080 Patent, and such other equitable and injunctive relief to which Plaintiff may show itself otherwise entitled.

   ii. Plaintiff is awarded such damages available under applicable law, including but not limited to:

      a. Actual damages;

      b. Defendant's profits;

      c. Punitive damages;

      d. Treble damages;

      e. Costs of this litigation;

      f. Attorneys' fees associated with this litigation;

      g. All other damages arising from the unlawful and unauthorized use of the '080 Patent; and

      h. All other just and proper relief.

JURY DEMAND

Plaintiff the Mason Company demands a trial by jury on all issues so triable.

Dated: October 17, 2017

Respectfully submitted,

By: */s/ Scott Crocker*

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